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Trustee for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

THE ESTATE OF BENJAMIN T. HELLER,

Defendant.

Adv. Pro. No. 10-04367 (SMB)

**STIPULATION AND ORDER FOR  
VOLUNTARY DISMISSAL OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel, Baker & Hostetler LLP, and defendant the Estate of Benjamin T. Heller (“Defendant”), by and through its counsel, Chaitman LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On November 30, 2010, the Trustee filed and subsequently served the Complaint against Benjamin T. Heller.
2. On October 31, 2013, Benjamin T. Heller filed a motion to dismiss the Adversary Proceeding, which motion was granted in part and denied in part by order dated June 2, 2015.
3. On August 13, 2015, Benjamin T. Heller served an answer on the Trustee.
4. By stipulation and order entered December 11, 2019, the Estate of Benjamin T. Heller was substituted into this action in place of Benjamin T. Heller.
5. On November 19, 2020, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181].
6. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendant in the above-captioned adversary proceeding and dismissing the adversary proceeding.
7. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and

parties of interest.

8. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: February 4, 2021

**BAKER & HOSTETLER LLP**

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*Attorneys for Irving H. Picard, Trustee for  
the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff Investment  
Securities LLC and the Estate of Bernard L.  
Madoff*

**CHAITMAN LLP**

By: /s/ Helen Davis Chaitman  
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*Attorneys for the Estate of Benjamin T. Heller*

SO ORDERED:

Dated: **February 4, 2021**  
New York, New York

**/s/ STUART M. BERNSTEIN**  
HON. STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE